

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
FEBRUARY 14, 2000**

000103

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present.
MINUTES OF PREVIOUS MEETING 1. February 7, 2000 city council	Approved as corrected.
AUDIENCE PARTICIPATION None.	
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. An ordinance relating to local improvement districts; establishing Consolidated Local Improvement District No. 66 et al; fixing the amount, form, date, interest rates, maturity, and denominations of the Consolidated Local Improvement District No. 66 et al bonds; providing for the sale and delivery thereof to Banc of America Securities LLC of Seattle, Washington; and fixing the interest rate on local improvement district assessment installments.	Approved Ordinance 2311.
ACTION ITEMS	
REVIEW BIDS 1. SR 528 (55 th Drive NE to SR9)	Postponed to 2/28.
PUBLIC HEARING 1. Charles Cruzen street vacation; PA 9911057	Approved.
CURRENT BUSINESS 1. Truck routes (continued from January 24, 2000) 2. Quil Ceda/Allen Watershed Management Plan (continued from presentation made on February 7.)	Approved, excluding D, F and revising E; directed staff to pursue pedestrian safety measures. Approved city as sponsoring agency, utilizing Fund 403.
NEW BUSINESS 1. No parking SR528 at 65 th Drive NE	Continued to May 8.
CONSENT AGENDA 1. Approve the February 14, 2000 claims in the amount of \$550,541.65 paid by check nos. 50503 through 50670 with check nos. 49809, 50412 and 50629-50650 void. 2. Approve interlocal agreement with the Department of Social and health Services (DSHS) for Juvenile Accountability Incentive Block Grant. 3. Approve Supplemental Agreement with Skillings Connelly for the R9701-State Avenue 116 th Street to 136 th Street road improvements project. 4. Approve Supplemental Agreement No. 6 with Pertect Engineering, Inc. for the R9601-SR528 (55 th Drive to SR9) road improvements project..	Approved. Approved. Approved. Approved.
LEGAL MATTERS None.	
ORDINANCES AND RESOLUTIONS	
2. An ordinance of the City of Marysville amending Ordinance No. 2223 relating to the vacation of a portion of 52 nd Avenue N.E., Pacific Street (undeveloped) and two other portions of undeveloped right-of-way east of 52 nd Avenue N.E.	Approved Ordinance 2312.
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	Scheduled town meetings.
ADJOURN	11:30 p.m.

000104

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
FEBRUARY 14, 2000**

CALL TO ORDER/FLAG SALUTE

The meeting was called to order by Mayor David Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
David Weiser, Mayor	Dave Zabell, City Administrator
Mike Leighan, Mayor Pro Tem	Robert Carden, Chief of Police
Shirley Bartholomew	Gloria Hirashima, City Planner
Jim Brennick	Grant Weed, City Attorney
NormaJean Dierck	Ken Winckler, Public Works Director
Donna Pedersen	Ed Erickson, Finance Director
Suzanne Smith	Owen Carter, City Engineer
John Soriano	

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, February 7, 2000.

Councilmembers noted the following corrections:

- Page 3, second paragraph, add as last sentence. "He noted council had been offered only the first-listed method when the code allowed three others."
- Page 3, tenth paragraph, fourth sentence, 47th Drive should be 42nd Drive.
- Page 4, second paragraph, Mike Weir should be Mike Webber.
- Page 5, seventh paragraph, should read "A letter was received regarding Marshall Elementary...."
- Page 6, second paragraph, should read "When the sewer came up 36th...."

MOTION by Leighan, second by Pedersen, to approve the minutes of the February 7, 2000 meeting as corrected. Motion carried unanimously (7-0).

AUDIENCE PARTICIPATION

None.

Mayor Weiser requested the agenda be reordered to allow presentations and action on item 1 under Ordinances and Resolutions at this point in the meeting. Council concurred.

PRESENTATIONS/PETITIONS/COMMUNICATIONS:

1. An ordinance relating to local improvement districts; establishing Consolidated Local Improvement District No. 66 et al; fixing the amount, form, date, interest rates, maturity, and denominations of the Consolidated Local Improvement District No. 66 et al bonds; providing for the sale and delivery thereof to Banc of America Securities LLC of Seattle, Washington; and fixing the interest rate on local improvement district assessment installments.

Mr. Erickson introduced Steve Gaidos, financial consultant for the city, who helped with the documentation and choosing the underwriter, and Jane Towery, representative from Banc of America, the successful low price bidder for handling the bond issue.

Mr. Gaidos described the background of the issue, noting the official statement had been prepared in January and mailed to five underwriting firms. Banc of America Securities LLC had been chosen to handle the bond issue, and the sale was today; 30% of the bonds had sold. He felt the city received a very good rate for underwriting costs from Banc of America, 1.624%. The effective interest rate on the bond issue was 6%. The bond issue would be settled on March 1st, when Banc of America wired the funds to the city. At that time, all financial issues surrounding the sale would be completed. He noted these bonds were non rated. He reviewed the graphs and technical information from his handout, and closed with the recommendation that the city accept the offer from Banc of America.

Lee Voorhees, a municipal bond lawyer with the Foster, Pepper & Shefelman Law Firm, explained the assessments would be collected in more than one utility district and pledged to be paid into one bond fund. He reviewed the proposed ordinance in detail,

noting that the version he had distributed this evening set out, in Section 16, a preliminary official statement date of January 27 and, in Section 18, the interest rate at 6.5%. He stated he was familiar with the document and recommended favorable consideration.

Councilmember Bartholomew asked if I-695 impacted this issue; Mr. Voorhees responded that city staff had confirmed the last of the assessments, LID 69, under an ordinance, which became effective before the end of 1999 so I-695 would have no effect on the transaction.

Jane Towery, Vice President of Banc of America Securities LLC, advised council that approximately \$50,000 of the bonds had been sold to local residents, and some were still in inventory. She stated it had been a pleasure working with the city on this issue and requested approval and signature on the February 14th document from Banc of America Securities LLC.

MOTION by Pedersen, second by Bartholomew, to approve Ordinance 2311 and authorize the Mayor to sign the Ordinance document and the Banc of America LLC letter dated February 14, 2000. Motion carried unanimously (7-0).

The letter and ordinance were signed by the Mayor, who advised that the Ordinance would also be signed by Ms. Swenson, the City Clerk, on the following day.

ACTION ITEMS

Review Bids

1. SR 528 (55th Drive NE to SR9)

Mr. Winckler gave the staff presentation, noting staff recommended Wilder Construction Company as the low, responsive bidder. However, the city had not received the right-of-way certificate from the state, and no action could be taken without that. He requested that testimony be taken at this meeting but action be postponed until February 28th.

Mr. Carter added that the city had a Level 1 certificate from the state which had allowed the city to advertise for bids, but because federal funds would be used, the state certificate needed to be in hand before the actual bid award. The paperwork had been submitted to the state in ample time and staff had been in constant contact to follow up on it. The certificate had been expected before today.

Mr. Weed stated there was no legal requirement to take comments prior to the award of a bid, but it had been the city's practice to do that. Where there was a bid protest, it allowed an opportunity for concerns to be aired. He added that it was appropriate for council to take comments this evening from any bidders present as they had received notification that the matter was going to be on tonight's agenda.

David Gent, Wilder Construction, referred to his bid document and made himself available to answer any questions. There were none.

No other bidders desired to address council.

MOTION by Smith, second by Pedersen, to continue action on this matter to the February 28th meeting and take additional comments at that time. Motion carried unanimously (7-0).

Public Hearing

1. Charles B. Cruzen street vacation, PA 9911057

Ms. Hirashima noted this matter had been continued to this meeting to allow time to receive additional documentation from the Marysville Church of Christ and from the property owners to the south as to who was authorized to sign. This information had been received. The Marysville Chamber of Commerce had submitted a letter and this was read into the record.

Councilmember Brennick repeated his concerns about the method used to determine the value of the property in this vacation process. If a title report had been ordered, it would help clarify whether the 10' strip had been given by the church in order to obtain

a right-of-way. Councilmember Pedersen suggested council could review the appraisal versus assessment options before any future vacations, but not in the middle of a pending action.

MOTION by Pedersen, second by Bartholomew, to approve street vacation PA9911057, based on the following findings:

The vacation request would not landlock any properties; the right-of-way was not contemplated or needed for public road purposes; an easement would be retained by the city to provide for construction, repair and maintenance of public utilities.

And that the abutting property owners shall compensate the city in the total amount of \$13,184.38.

DISCUSSION ON MOTION. Councilmember Brennick questioned the property values used by staff; Ms. Hirashima responded staff's calculations were based on "similar abutting property." Councilmember Brennick gave some property values which were not in the council packets and which he had acquired from a title company. He further commented that it might be appropriate to give the 10' strip back to the church at no cost.

Councilmember Soriano noted the correct parcel number for the church was 2-009.

VOTE ON MOTION: Brennick voted nay; all others voted aye; motion carried (6-1).

Current Business

1. Truck routes (continued from January 24, 2000).

Mr. Winckler gave the staff presentation, noting the topic had been delayed to this meeting to allow time to contact trucking companies. Staff's proposal was to add nine new truck routes, and exclude one, Beach from 1st to 4th until it had been reconstructed. He noted that 50 maps and letters had been mailed out. Two phone calls had been received from Welco Lumber and Viking Freight Systems. Their concerns had been about eliminating Beach, but they agreed Cedar was an acceptable alternative.

Councilmember Bartholomew questioned the inclusion of 100th, noting that street had been part of the School Walkway Program to provide critically needed protection for walking children. The county had done the work. Mr. Winckler responded that staff proposed adding only the short piece which was within the city limits. The remainder was in the county and was an authorized truck route in the county. Councilmember Bartholomew asked about trucks straying from State and 100th; Mr. Winckler responded that he did not know how the city would patrol that as the county's portion was a legitimate truck route.

Councilmember Dierck asked if the mill at First Street had commented on the proposed designations; Mr. Winckler stated that they had and were comfortable with the closing of Beach until it was reconstructed. Councilmember Dierck noted the school district's concern about 88th and wondered why 100th and 88th had been included. Mr. Winckler responded that these were main east-west corridors and trucks were already authorized on the county's portion of those roads. It was important for trucks to have specific routes to get through neighborhoods, especially when transporting materials for construction in subdivisions. It was safer to have designated routes and make people aware of where that traffic would be. The list of streets had been proposed because they made the best sense for north-south and east-west flow and based on the condition of the roads themselves and where they would provide service to.

Councilmember Dierck suggested B and C were already in poor condition and truck traffic would damage them more. Mr. Winckler noted there was no funding available to repair 136th but 100th north of State was under design and ready to go out to bid this summer. It was staff's intention to design all arterials to handle truck weights without disintegrating. This would preserve residential streets. Councilmember Dierck pointed out that several families walked from Albertson's on 116th and there was no safe walking area. Mr. Winckler agreed to look at this.

Councilmember Smith asked if the portion of 88th which was in the county was a truck route; Mr. Winckler responded that all county roads were truck routes unless specifically designated otherwise. This was the case even in residential areas; the county did not restrict truck traffic.

Regarding overnight truck parking, Mr. Winckler reported that he had contacted Donna's Truck Stop; they discouraged overnight parking except for their customers. They charge \$10 to park overnight; \$50 for an RV. Staff could look at the city's property south of First or next to Ebey Park for designation as temporary truck parking. He said "temporary" would mean until the city knew what was going to happen with Community Transit and their routes, as it was possible that all in-town bus stops would be eliminated which would free up Cedar Avenue. Also some area might be available on State in the space designated for construction staging, but access would be restricted there. Councilmember Smith asked if the language in the ordinance would be revised to allow more truck parking along city streets; Mr. Winckler indicated it would not.

Regarding the east end of 88th between Kellogg Marsh and Cedarcrest, Councilmember Soriano asked if those routes were contingent upon safety measures being put in place. Mr. Winckler responded that no construction was contemplated with the truck route designations. Councilmember Soriano suggested that since this piece was between two schools, a traffic calming study would be appropriate for that area. Mr. Winckler agreed that could be done.

Councilmember Pedersen asked about signage for the truck routes; Mr. Winckler responded that signage would be emphasized as part of the advent of new routes.

Councilmember Leighan noted that not designating the city's portions of 88th and 100th would not deter truck traffic as trucks would use them anyway to make deliveries in the city. Also, the portion of 100th in front of the school was already on a truck route because it was in the county.

Mayor Weiser called for public comments.

Jeffrey Vaughan, 6617 83rd PL NE, stated he was a safety professional with more than seven years of experience in evaluating and controlling risks that could lead to injury or death. His family rode their bikes and preferred Grove because it was wide enough to allow pedestrians, bicycles and traffic. They tried riding on 88th to Pinewood Elementary, but the shoulders were narrow and rocky. Besides the walkers going to and from Pinewood, Kellogg Marsh and Cedarcrest, there were 74 driveways in the area. He felt this was clearly a residential community and a major route for school children so was not an appropriate place for truck traffic. He had met with the Safety Committee regarding 88th and many near misses had been reported there. The school's suggestion of adding buses to keep the kids from walking would be costly. Even though most of 88th was in the county he felt it was in the city's purview to keep trucks off this route. He also suggested that 84th was not a good choice because it was steep, narrow and lacked sidewalks and curbs. He recommended closing both 88th and 84th to truck traffic for the following reasons: children from three schools traveled 88th each day, both 88th and 84th were narrow and lacked sidewalks and shoulders, and 88 bisected a residential community with 74 driveways that connected directly to the street, there were no significant businesses to be served in that area. Signage should be added to prohibit truck travel there, enforcement should be increased and offenders penalized. He thanked Mr. Winckler for his prompt responses.

Greg Kuehn, 4220 80th Street, testified he was the risk manager for Marysville School District. He mentioned the letter in the packet from Mr. Eisenhauer, Superintendent of Marysville School District, and noted the concerns raised in that letter had already been raised at this meeting. He noted that property owners along 88th and 100th would have to put in sidewalks before coming into the city. He expressed concern for the safety of the students and recommended a study be conducted on these two streets before designating them as truck routes.

Jeff Seibert, 5004 80th, testified that 44th at 67th was a steep hill with a short radius corner. He felt it would be inappropriate to designate 44th as a truck route until it had been widened in that area. He noted that along 76th there were two trucks that parked there continuously and one had been there over a month. He recommended the city not allow wholesale truck overnight parking anywhere in the city.

Steve Leifer, 12717 State, noted that everyone in the city received their food, shelter and clothing on trucks. Arguments that applied to 88th and 100th would also keep trucks off of Zabell Road. Forcing delivery trucks, including gravel trucks, to run irregular routes through the city simply added to the cost citizens had to pay for goods. Paying truck time for travel on some of the irregular routes which had been suggested tonight would make a \$6 per yard hauling fee go to \$9 or \$10. He took exception to the suggestion that truck traffic was more dangerous than car traffic. He noted that truck drivers were professionals and had their safety records to uphold. He had personally observed a tremendous number of gravel trucks near Granite Falls High School and none had been driven in a reckless manner. He did not think the argument regarding the safety of truck traffic was viable. He added that trucks paid a lot of taxes, tonnage fees, license fees and road taxes. He suggested it was unfair to exclude trucks from using the roads.

No one else wished to speak on this topic so the Mayor closed the public comment portion.

Mr. Winckler noted this code addressed rigs over 16,000 pounds, which anticipated tractor-trailer rigs, not UPS type vans. Buses were not affected as they had bus routes. Also service vehicles, like garbage trucks, were not covered by this.

Councilmember Pedersen read the definition of truck from the ordinance. With reference to Mr. Leifer's testimony, she stated her concern was not the ability of the truck drivers or the way they drove, but the size of the vehicles on those routes that were used by children. She expressed support for removing 100th and 88th until pedestrian safety could be addressed.

MOTION by Dierck, second by Pedersen, to approve the truck routes as suggested but excluding D. 100th Street NE from State Avenue NE to East city limits (48th Drive NE), and F. 88th Street NE from 67th Avenue NE to West-Center city limits; and revising E. to read "88th Street NE from I-5 freeway to State Avenue," said exclusions to be reconsidered at such time as reliable safety measures were put in place which were in agreement with the school district.

DISCUSSION ON MOTION: Mr. Winckler asked for clarification that corrective measures were being called for in the county where the city had no jurisdiction and where truck traffic was already allowed. Councilmembers agreed the city should communicate with the county that these truck routes were being excluded until appropriate pedestrian safety measures were in place and should call on the county to participate in those measures.

Councilmember Leighan pointed out that pedestrian safety measures were already in place on most of the city's portion of E, 88th Street NE from I-5 to 44th Drive NE. Only one lot did not have sidewalks. He stated council needed to clarify how much improvement it wanted the city to make in order to open the truck routes.

Councilmember Brennick asked if the school district had approached the county regarding the safety issue. The school district had requested and received pedestrian safety measures when Cedarcrest was built. He asked about the plans for a third lane on 88th from the cemetery east to 67th. Mr. Winckler advised that had been removed from the county's 6-year Transportation Improvement Plan.

Councilmember Soriano asked about the elapsed time from a traffic study to implementation of traffic calming measures. Mr. Carter responded that a study would result in a project with associated costs. Neither the city nor the county had funds budgeted for curbing and sidewalks on 88th. Staff could perform the study but a capital project might be called for, for which there were no funds. A "low cost" alternative might be a walkway similar to the one on Sunnyside, which was \$300,000 to \$400,000. He was not sure if the county had right-of-way along 88th in order to do walkways.

DELAY ACTION ON MOTION: Councilmembers agreed to delay action on the motion to allow the school district to respond to Councilmember Brennick's inquiry.

MOTION by Pedersen, second by Brennick, to reopen public testimony on this topic. Motion carried unanimously (7-0).

Greg Kuehn testified that he and others had contacted the county regarding 88th and providing safe walking routes for students. He didn't know if anything was actually being done on that but he thought they had been working with the county. He stated the district would like the opportunity to work with the county and the city to achieve that. He expressed concern that trucking companies would be notified that the street had been designated as a truck route, which would result in increased traffic. Mr. Winckler stated staff intended putting up signs to clearly designate the truck routes and also to distribute maps at strategic places so both the trucking companies and the citizens would know what the truck routes were. Mr. Kuehn repeated his interest in working with the county and city to make both routes as safe as possible for student access.

CONTINUED CONSIDERATION OF MOTION: Councilmember Brennick suggested delaying action until the school district had contacted the county. Implementation would deny truckers' ability to supply products in the city. Councilmember Pedersen suggested that as soon as the school district,

county and staff had met, the routes not approved tonight would come back before council with recommendations. Councilmember Smith summarized that the city wanted the county's help with 88th and 100th, but 88th was the first priority. In order to accomplish the needed improvements cooperation between the school district, county and city was needed; the county would not take ownership of the whole issue.

VOTE ON MOTION: On roll call vote, Soriano, Smith, Pedersen, and Dierck voted aye; all others voted nay; motion carried (4-3).

The Mayor called a short recess at this point in the meeting.

2. Quil Ceda/Allen Watershed Management Plan (continued from presentation made on February 7)

Ms. Hirashima gave a brief background presentation and mentioned the memo from the Finance Director. There were funds in either the Storm Water Fund or the General Fund to cover the city's \$9,250 contribution. The Management Plan Implementation Committee did not have non-profit status so desired the city to be the grant sponsor. Council needed to give direction on funding the city's portion of the grant, the grant application, the reporting structure with the committee and expected work products.

Councilmember Leighan questioned if the county had adopted the Management Plan as stated in the agenda, or simply concurred as the testimony of County Council Chair Rick Larson had indicated. Ms. Hirashima indicated that the county's implementing document included additional steps to be taken to implement the actions identified in the plan, including public participation and that any implementing action go through a public process under their comp plan amendment procedures. Councilmember Leighan noted the city had amended its sensitive areas ordinance last year; Ms. Hirashima agreed those had been significant changes but council had requested that staff continue working on the ordinance, including consideration of the 4(d) rule.

Dana Graupmann, Salmon Habitat Campaign, Pilchuck Audubon Society, read her prepared statement and distributed copies to councilmembers.

Councilmember Dierck noted Ms. Graupmann's assertion that the National Marine Fisheries Service mentioned in the 4(d) rule that local jurisdictions were encouraged to use their watershed management plans as the best available science. The Quilceda/Allen plan was not specific to fish but addressed overall water quality and buffer zones. She suggested that having the plan in place could save the city money and stated that if the tri-county proposed 4(d) exemption did not work out this would be a step forward.

Mayor Weiser asked how many species and how many runs in the area were listed as endangered. Ms. Graupmann responded that the Puget Sound Chinook was threatened. She had received a copy of a lengthy legal opinion that stated the 4(d) rule didn't apply to municipalities as to threatened species, only endangered. She encouraged the city to avoid litigation on the issue but spend the small amount of grant money being requested and go forward to address the city's severe water quality problems. She stated the three components of the Management Plan fit the criteria of the bigger picture, the tri-county discussions. Councilmember Leighan asked if the Audubon Society was a 501(c)3 corporation; she responded in the affirmative but expressed uncertainty regarding their ability to be the lead agency and apply for the grant because the Management Plan might not meet the Society's mission.

Bea Randall, 427 South French, Arlington, stated she served on the Arlington city council and had worked with their committee which was comparable to the Quilceda/Allen committee. She noted they had obtained two clean water grants and the city put \$5,000 in this year's budget to support this work. Their committee was formed at the request of the Mayor, who asked her to chair it. Members were obtained by running ads in the local paper and included a representative from the school board, and one member from the Stilliguamish Tribe, who had worked very hard on this and been extremely helpful. Their effort started with city government; there was no county effort to dovetail their work with. Since both Arlington and Marysville were concerned with the same bodies of water, she was in attendance to observe. Councilmember Pedersen asked if an interlocal agreement was in place between the county and Arlington; she responded in the negative. Councilmember Brennick asked about the grants they had applied for; she noted one was for \$26,000 and one was \$50,000. The first one had been used for a City Engineer. The city was the overseer of the grants. She encouraged the city to pursue this path as it was a wonderful opportunity to extend the public's money.

Councilmember Smith spoke in support of the plan, especially the education component. She suggested the revisions to the Sensitive Areas Ordinance had not been complete and there was a long list of items yet to be addressed. The city had money to spend in this area and this was an opportunity to move forward.

Councilmember Soriano asked if Arlington's grants had required in-kind contributions. Ms. Randall replied in the affirmative, noting that part of the education plan was to contact all sixth graders for hands on work on the creeks. The city had sometimes arranged for the busing of the children to the work sites. Those hours and other volunteer hours satisfied the city's requirements.

Bob Graef, 7311 69th Avenue NE, stated he was a citizen member of the Watershed Implementation Committee. He addressed the questions from the previous meeting regarding whether Mr. Brock and Ms. Carroll had been testifying with the approval of their supervisors; he assured council that all of their actions were in compliance with their job descriptions. Regarding the composition of the committee, it was composed of selected volunteers who had been chosen for their experience, expertise, or ability to work with the community. While the committee had not been empanelled by Mayoral appointment, it included representatives from the entire watershed – the county, the reservation and Arlington. There was a high degree of cooperation and they had received technical assistance from the county and the state. He encouraged the city to accept and welcome the Watershed Implementation Committee as a gift of high value and one that was timely.

Councilmember Pedersen noted 200 letters had been sent out to seek membership on the committee. She asked how many responses had come in. Councilmember Dierck replied that 12 to 15 responses from interested people had been received.

Councilmember Brennick stated the council's packet had indicated Snohomish County could not be the lead agency in applying for the grant due to staffing and resource restrictions. Council's questions to the county and state speakers had been to determine if their employers were supportive of the effort.

Councilmember Soriano mentioned the Clean Water Fund Grant Application form, particularly Section III "How will your proposed project address the water quality problems..." A project management team was anticipated, and he questioned who that would be. Mr. Graef responded that the committee had a good team from the scientific and environmental community and those people could be relied on.

Councilmember Leighan asked if the committee's focus was the entire watershed, not just Marysville. Mr. Graef responded that the issues of water quality were drainage basin issues that needed to be addressed cooperatively across jurisdictional boundaries. Councilmember Leighan stated he had concerns about the city being the funding agency on a county-wide effort when its jurisdiction ended at the city limits; it seemed appropriate for the county to be the lead agency. Mr. Graef stated that for any plan to be effective it must address the waterways in their entirety, not just segments. There should be no cut-off at the city limits. Councilmember Smith added that the cost of developing the watershed plan had been \$365,000, of which the county had provided 25%. It was time for the city to step up to the plate and participate. Councilmember Leighan expressed concern that the city council had been elected to legislate and was not likely to turn those powers over to a committee. The city's standing committees served in an advisory capacity, but this proposal seemed to go farther than that. Mr. Graef added that this committee was not acting outside the scope of the Watershed Implementation Plan which the city had adopted.

Mayor Weiser asked who would control the funds if the grant request were successful. Mr. Graef suggested the details regarding management of further action could be worked out in a spirit of cooperation with the city. The committee would not be able to handle the funds directly.

Chief Carden arrived at this point in the meeting.

David Brock, 14315 150th Street NE, Arlington, stated he was testifying as an employee of the State Fish and Wildlife Department and also a member of the Implementation Committee. He repeated the history of the formation of the committee, its work and the three elements of the recommendation. Following up on those priority elements would take most of the grant money. The city would be responsible for managing the entire grant, but the committee hoped to work with city staff to facilitate the implementation and carry out the responsibilities of the grant. He noted that two species were listed as threatened, Puget Sound Chinook and the Bull Trout or Native Char. The Chinook was under the management of the U.S. Marine Fisheries Service; the Bull Trout the U.S. Fish and Wildlife Service. While most aspects of the grant were within the city limits, the committee's objective was to facilitate and encourage implementation of the plan watershed wide.

Councilmember Pedersen asked about the intern and if that person would be experienced need supervision and who they would report to. Mr. Brock repeated that final authority would lie with the city and they would hire that person; the committee had many good ideas on how to best achieve the results and would communicate and coordinate with the city, but the city would be managing the process.

Councilmember Soriano asked about the proposed management team. Mr. Brock emphasized the impending due date for the application and explained the management team would be chosen by the city. Councilmember Soriano questioned whether there would be a conflict of interest if a member of the committee served on the management team. Mr. Brock responded that it was in everyone's interest to implement the plan to the best of their ability; if the city felt there was a conflict, then it should designate a management team that would answer to them without conflict. The committee had members with expertise in various fields and they would assist and facilitate implementation. Councilmember Soriano requested data in support of the Technical Assistance recommendation, such as the exact threshold beyond which there was irreversible damage. Mr. Brock stated the initial step for this recommendation would be to identify riparian areas of streams in need of protection. This might include aerial photo interpretation and identification of steps to be taken to protect and enhance. These were not a set of technical numbers.

Councilmember Brennick asked if the committee planned to make a 501(c)3 filing; Mr. Brock stated there were no plans to do this.

Councilmember Pedersen commented on the grant application and asked if an initial calculation of points had been done. Mr. Brock stated they had not done that but listed several favoring factors: the city was following a plan, the city and Tribes were involved, the implementation committee had been active and done its work, the city would be addressing three different elements of the plan, the waters in question were inhabited by endangered species. Councilmember Pedersen noted that no public health hazard existed. She asked if there was a timeframe within which the money had to be spent; Mr. Brock thought it was 18 months.

Councilmember Smith spoke in support of the city guiding the grant process and follow-on work utilizing the existing committee. The three recommendations could be added to or revised; additional grants were also a possibility according to Ms. Randall's testimony.

Gary Wright, 5533 Parkside Drive, stated this was an opportunity to move ahead with some additional protection of the watershed area, but he had recommendations on ways this could be achieved in a fairer manner. He had concerns about the request as it had been presented in the earlier meeting. The presentation at this meeting had a different flavor and seemed to leave more discretion to the city and not strictly the implementation committee. He suggested it would be best for the city to manage the effort and not delegate its responsibility to one committee that was not appointed by the city and that was not a legal entity. The composition of the implementation committee did not properly ensure that differing opinions were considered. His first concern was the obvious conflict of interest if the entire project were turned over to the implementation committee, because one council member was a member and the spouse of another council member served. If the committee were in a management role, those councilmembers should excuse themselves from voting on the issue. He noted that 8 people were listed as citizens and 11 were government staff people. He further questioned the makeup of the committee, noting that 3 lived in the county, 1 was a Lakewood teacher, with no designation of whether they lived in or outside the city, 4 were Marysville residents, but only 2 of these were not related to the council. So 4 of the 19 members did not constitute much of a say for the city. He suggested it was the responsibility of Snohomish County to oversee the implementation of the plan. In the May 3, 1999 letter from John Glenn, State Department of Ecology, Mr. Glenn stated it was the responsibility of Snohomish County to oversee implementation of the plan. If the city did apply, it should choose its own committee to ensure the grant was fairly administered and everyone's concerns heard, as opposed to utilizing an unofficial committee that had been appointed by another unofficial committee. He pointed out that no one from the affordable housing segment, industry or development community sat on the existing committee. A number of committee members had been noted for their anti-growth views. Housing and economic development should not be overlooked. If the city did apply for the grant, the project title should be changed from "Watershed Plan Implementation" to "Water Quality Enhancement" because the amount of the grant would not accomplish implementation of the whole watershed plan. Since the education element was very important, more funds should be spent on that aspect. The regulatory element needed to be handled via a hearing process and might not properly be a part of this effort.

Gary Petershagen, Belmark Industries, 505 Cedar, Suite B1, stated he had served on the original committee and also served on the implementation committee. An effort had been made to attract wider representation on the committee, but there were not many applicants. There had been no face-to-face interview process, so some applicants were rejected because no one knew of them. He felt that Snohomish County was dropping the ball as they had been anticipated to be the implementing agency. If the city agreed to take this on, it should take control and manage the process. There needed to be accountability through the city for these funds. Councilmember Pedersen asked if there had been an effort to appoint people to the committee from governmental agencies; Mr. Petershagen replied in the negative. Councilmember Soriano asked about appointment of the project management team; Mr. Petershagen stated he felt it was necessary for the team to be appointed by the city to ensure a broad base of representation.

Jeff Seibert favored taking management of the grant and moving forward.

Steve Leifer urged the council to give strong consideration to whether there were strings attached to the funds regarding having to comply with standards.

Councilmember Pedersen asked if the city had an interlocal agreement with the county concerning this; Ms. Hirashima responded that the interlocal covered transportation, annexations and some development issues, but not water quality.

Councilmember Bartholomew asked when the city's grant writer would be hired; Mr. Winckler responded that it might be up to three months away. Councilmember Bartholomew asked about the city's liability if a citizens committee were in control. Mr. Weed responded that that was not defined. Issues included the degree of control the city would maintain, control of the final work product, and any regulations adopted needed to be cautious regarding takings. Even though implementing some items would have an effect outside the city limits, any changes to the city's Sensitive Areas Ordinance would only apply to the city's code and be enforceable within the city limits. He foresaw no problems regarding a gift of public funds because the education element benefited people outside the city. Because it was a basin-wide issue, the city needed to look for ways to coordinate and communicate with other agencies. Ms. Hirashima noted that SAO was already a priority for her department this year, along with 116th Street planning. She thought they would slow the work on SAO to accommodate the grant effort.

Councilmember Bartholomew asked about the projected shortfall of \$188,000 in the Surface Water Management Fund. Mr. Erickson responded that scheduled projects would draw the fund down. Councilmember Bartholomew asked about in-kind contributions. Mr. Erickson answered that a "reasonable wage" was assigned to volunteer hours.

Councilmember Smith asked about L&I liability for children doing work; the Mayor responded that that would be clarified if the grant was approved. Councilmember Smith expressed support for the city managing the process. Ms. Hirashima noted staff did not have a problem guiding the whole process.

Mr. Weed acknowledged that he had reviewed the grant application document. He did not see any unusual "strings" attached; the city would have an obligation to indemnify the state but those were ordinary requirements.

Councilmember Brennick expressed support for wider representation on the committee if the proposal went forward.

Councilmember Leighan suggested this was a good opportunity as far as grants went to move ahead with plans the city was already working on. His concern was a short deadline from a non-city committee. The recommendations picked out of the plan were low on the overall list and some of those were already being addressed. He stated he was not opposed to applying for the grant but control needed to come from the city or a city committee.

Councilmember Pedersen expressed concern about the lack of an interlocal with the county and the short time to prepare the grant application. Councilmember Dierck noted that these were annual funds and would be available next year, but it was the committee's hope to apply this year.

MOTION by Smith to direct staff to work with the Implementation Committee and apply for the grant, that the city take the leadership role/lead agency in managing the funds, that another committee be formed which utilized expertise from the existing committee but included other factors from the community, try to meet the February 29th application deadline, and utilize funds from 403. The motion died for lack of a second

MOTION by Leighan, second by Dierck, to extend the meeting to 11:30 p.m.; motion carried unanimously (7-0).

MOTION by Dierck, second by Smith, to have the city be the sponsoring agency and oversee the implementation committee in preparation of the grant application with staff assisting if they had time available, and utilize Fund 403, and assure that any citizen or councilmember could join in the work of the committee at any time. On roll call vote, Bartholomew, Pedersen and Leighan voted nay; all others voted aye; motion carried (4-3).

Mr. Erickson recommended that the committee undertake a close review of the gifting of public funds as to entertainment and prizes.

New Business

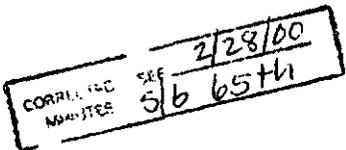
1. No parking SR528 at 65th Drive NE.

Mr. Carter gave the staff presentation, including information from Community Transit and the Parks Department. Councilmember comments included:

- Some of the trees which would need to be moved were privately owned
- I-695's impact on this commuter route was uncertain.
- Moving the bus stop would require commuters to walk farther to catch the bus.
- Adding a mid-block crossing was a concern.
- Action should be delayed until the location of the skateboard park was settled.
- Simply restricting parking back 100' would be helpful.
- Many of the park's trees had been purchased by individuals; they should receive notification if the trees were moved.

MOTION by Dierck, second by Brennick, to continue this topic until the May 8th council meeting. Leighan and Smith voted nay; all others voted aye; motion carried (5-2).

MOTION by Dierck, second by Brennick, to restrict parking 100' east and west of 6th Drive N.E. Motion carried unanimously (7-0).



CONSENT AGENDA

1. Approve the February 14, 2000 claims in the amount of \$550,541.65 paid by check nos. 50503 through 50670 with check nos. 49809, 50412 and 50629-50650 void.
2. Approve interlocal agreement with the Department of Social and Health Services (DSHS) for Juvenile Accountability Incentive Block Grant.
3. Approve Supplemental Agreement with Skillings Connelly for the R9701-State Avenue 116th Street to 136th Street road improvements project.
4. Approve Supplemental Agreement No. 6 with Perteet Engineering, Inc. for the R9601-SR528 (55th Drive to SR9) road improvements project.

MOTION by Brennick, second by Bartholomew, to approve the consent items. Item 1 carried 6-0-1 with Leighan abstaining, and 7-0 as to 2, 3 and 4.

Legal

None.

Ordinances & Resolutions

2. An ordinance of the City of Marysville amending Ordinance No. 2223 relating to the vacation of a portion of 52nd Avenue N.E., Pacific Street (undeveloped) and two other portions of undeveloped right-of-way east of 52nd Avenue N.E.

MOTION by Pedersen, second by Brennick, to approve Ordinance 2312. Motion carried unanimously (7-0).

DISCUSSION ITEMS

000114

None.

INFORMATION ITEMS

- 1. Mayor's business
 - Distributed copy of e-mail from Coverson regarding the skateboard park.
 - Agreed to send a memo regarding the retreat.
- 2. Staff's business
 - None.
- 3. Call on councilmembers

Councilmember Smith:

- Requested council review the valuation options used in vacating property before any further requests come before the council.

Councilmember Pedersen:

- Asked about the Jerry Weed report; Mayor Weiser advised it had been received today.

Councilmember Dierck:

- Asked about the repairs to the lift station at Westview Drive, noting the power had still been off at 4 p.m. today. Mr. Winckler agreed to check but noted there was an emergency overflow system there.
- Asked about the extra fill for Lots 11 through 15; Ms. Hirashima agreed to check and report.
- Asked when the city would put straw or hay along the corridor where trunk line D was going; Mr. Winckler agreed to check and report.

Councilmember Brennick:

MOTION by Brennick, second by Dierck, to establish town meetings, one per month in either March, April, May or April, May, June, with the time and place to be announced later. Leighan voted nay; all others voted aye; motion carried (6-1).

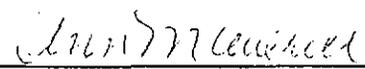
ADJOURN

Council adjourned at 11:30 p.m.

Accepted this 28th day of February, 2000.


Mayor


City Clerk


Recording Secretary